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JUN 27 2003

June 27, 2003

Federal Communications Commission
Office of Secretary**NOTICE OF EX PARTE
COMMUNICATION**

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W., TW-A325
Washington, DC 20554

**Re: Implementation of the Pay Telephone Reclassification and Compensation
Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128**

Dear Ms. Dortch:

On June 19, 2003, Albert H. Kramer and Robert F. Aldrich, attorneys for the American Public Communications Council ("APCC"), had a meeting with Gregory Cooke, Deputy Chief of the Competition Policy Division of the FCC's Wireline Competition Bureau, and Darryl Cooper, Jack Yachbes, and Robert Tanner of the Division staff. We requested clarification of the staff's understanding of various points in the Further Notice of Proposed Rulemaking issued May 28, 2003, and discussed a number of points that are detailed in the Comments of the American Public Communications Council, filed Monday, June 23, 2003.

Sincerely,



Robert F. Aldrich

cc: Gregory Cooke
Darryl Cooper
Jack Yachbes
Robert Tanner

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Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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June 27, 2003

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Federal Communications Commission
Office of Secretary

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
CS Docket No. 00-30

Dear Ms. Dortch:

On June 26, 2003, Steven Teplitz of AOL Time Warner Inc., Andrew Long of Wiley, Rein and Fielding and the undersigned spoke with Johanna Mikes of Commissioner Jonathan Adelstein's office to discuss the above-referenced proceeding. We set forth the arguments reflected in our comments and reply comments in this proceeding. In response to questions, we explained why the evidence over the last two years indicates that AOL is not "dominant" in instant messaging ("IM") and why IM is not likely to "tip" to AOL.

Pursuant to section 1.1206(b) of the Commission's rules, an original and one copy of this letter, including a copy of the press release from Microsoft regarding its MSN Messenger Service that was discussed at the meeting, is being filed with the Office of the Secretary. Copies are also being served on the Commission participants in the meeting. Any questions concerning this submission should be addressed to the undersigned.

Sincerely,

Fernando R. Laguarda / SEM
Fernando R. Laguarda

cc: Johanna Mikes, Mass Media Legal Advisor

Enclosure

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100 Million Customers and Counting: MSN Messenger Extends Worldwide Lead Among Instant Messaging Providers

New Version With Significant Updates Is Scheduled for Release This Summer

REDMOND, Wash. – May 12, 2003 – MSN® Messenger Service recently reached a record high of 100 million active users per month worldwide. In addition, MSN Messenger was the No. 1 instant messaging (IM) service in 11 countries, according to independent third-party rating organizations during the month of March 2003. The service's continued growth further solidifies MSN Messenger's position as the industry leader. Over the coming months, MSN Messenger fans can look forward to an innovative new version of the service that delivers advanced personalization, integrated games and video chatting capabilities, along with a dramatic new user interface.

"MSN Messenger has proven to be a powerful communication service for consumers worldwide," said Lisa Gurry, group product manager for MSN. "MSN delivers innovative technology such as Shared Browsing with MSN Messenger today, and it will raise the bar further with exciting new services when we unveil our next version this summer."

No. 1 In 11 Countries, the Most Among Free IM Services

Along with attracting a record number of customers, MSN Messenger had the most IM users of any free IM service in 11 countries in March 2003 – the most markets in which MSN Messenger has simultaneously held the top spot. No other free IM service tops as many markets.

MSN Messenger had the most IM users of any free IM service in Australia, France, Germany, Italy, Japan, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom, according to Nielsen//NetRatings.¹ In addition, comScore Media Metrix,² found that MSN Messenger was the No. 1 service in March in Canada.

Advanced Features Differentiate MSN Messenger

The advanced features of MSN Messenger are the reason it continues to attract record numbers of new customers and has long been the most-used free IM service in the world. These features include the following:

- Shared Browsing, which enables two people on different computers to explore the Internet together³
- A large selection of emoticons (43 currently) to enliven and personalize messages
- Microsoft .NET Alerts, which provide updates on traffic conditions, weather, sports, news, shopping discounts and other information
- Picture and file trading with other MSN Messenger customers
- The ability to make phone calls anywhere in the world from MSN Messenger accounts in the United States
- Free⁴ online voice conversations with other MSN Messenger customers

New Version of Messenger Promises New User Interface, Other Innovations

MSN will build on the success of the current version of MSN Messenger when it releases a major upgrade to the service this summer. New and enhanced features will include these:

- Significant improvements to the user interface
- New personalization features
- Integrated game capabilities that allow users to play checkers, double solitaire and other Zone.com games live via MSN Messenger

- Integrated video and voice features that offer live, face-to-face communications between customers of MSN Messenger. Previously available as an add-on service from Logitech, consumers can take advantage of integrated webcam functionality, which allows them to show live pictures to their online buddies. Audio voice features are also available, enabling consumers to talk to each other using their PC's microphone and speakers. For Windows® XP users, video conferencing, or synchronized video and audio, will be available with MSN Messenger version 6.

Some of these enhancements can be viewed at <http://messenger.msn.com/sneakpeek/>.

About MSN

MSN attracts more than 300 million unique users worldwide per month. With localized versions available globally in 34 markets and 18 languages, MSN is a world leader in delivering Web services to consumers and digital marketing solutions to businesses worldwide. MSN 8 is the first Internet software product to have earned the trusted Good Housekeeping Seal. The most useful and innovative online service today, MSN brings consumers everything they need from the Web to make the most of their time online. MSN is located on the Web at <http://www.msn.com/>. MSN worldwide sites are located at <http://www.msn.com/worldwide.ashx>.

About Microsoft

Founded in 1975, Microsoft (Nasdaq "MSFT") is the worldwide leader in software, services and Internet technologies for personal and business computing. The company offers a wide range of products and services designed to empower people through great software — any time, any place and on any device.

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1 Nielsen//NetRatings instant messenger data is based on a special custom analysis prepared for MSN, March 2003

2 comScore Media Metrix, March 2003

3 Service available only to MSN 8 subscribers

4 Monthly Internet service fees and computer hardware not included

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